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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,145	07/24/2003	Gerald Arsenault	TCHP:101 US	9311
24041	7590	08/22/2005	EXAMINER	
SIMPSON & SIMPSON, PLLC 5555 MAIN STREET WILLIAMSVILLE, NY 14221-5406			WILLIAMS, MARK A	
ART UNIT	PAPER NUMBER			
3676				

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/626,145	ARSENAULT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mark A. Williams	3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 09 June 2005.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-22 rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneko, US Patent 3,935,613 in view of Chung et al., US Patent 4,227,281. Kaneko provides an apparatus for attaching a wheeled element to a surface of an object comprising a caster bracket (see figure 1, 2, and 4) with flange means (14, 40) for receiving a connecting plate 26 for said wheeled element, and a flexible member (16, 46) affixed to said caster bracket, said flexible member adapted to substantially immobilize said connecting plate when said flexible member engages a slot or edge of said connecting plate, said flexible member further comprising extension means (20 48) adapted for direct manual deflection of said flexible member from said slot or edge of said connecting plate and for release of said connecting plate from said caster bracket, said extension means having a length extending past the perimeter of said caster bracket. The flexible member

comprises a locking surface for engaging an edge of a slot or peripheral edge of said connecting plate, and said extension means comprises a tab member for direct manual compression for release of said connecting plate. The combination is a kit.

Kaneko discloses the claimed invention except explicit teaching of the extension means having a length extending past the perimeter of the caster bracket, as claimed. Chung teaches the general concept of an extension member that extends beyond the perimeter of a caster bracket as claimed, as can be seen at element 60. Such an arrangement allows for quick attachment and removal of the caster. It would have been obvious at the time the invention was made for one skilled in the art to have included in the design of Kaneko, such a modification, as generally taught by Chung, for the purpose of allowing for quick attachment and removal of the caster.

### *Response to Arguments*

3. Applicant's arguments with respect to claims 1-22 have been considered but are not persuasive.

Applicant argues that Chung et al. require a flange in order for the spring member to properly function, while applicant's device has a non-flanged portion. Chung et al. are relied on solely for their teaching of the general concept of

extending the flexible securing means past the periphery of the bracket; not for replacing the securing means of Kaneko with that of Chung. Kaneko clearly shows such a non-flanged portion. Chung merely teaches that it would have been obvious to one skilled in the art to have extending the securing means of Kaneko beyond the perimeter of the bracket, as set forth in the above rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Williams whose telephone number is (571) 272-7064. The examiner can normally be reached on Monday through Friday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark Williams  
8/17/05



Suzanne Dino Barrett  
Primary Examiner

